



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
WATER AND  
WATERSHEDS

JAN 5 2012

IV- (96)

The Honorable Chairman Chief J. Allan  
Coeur d'Alene Tribe  
P.O. Box 408  
Plummer, Idaho 83851-9703

Dear Chairman Allan:

On November 22, 2011, the U.S. Environmental Protection Agency, Region 10 (EPA), sent a letter to the Couer d'Alene Tribe offering a government-to-government consultation regarding the EPA's upcoming Clean Water Act decision on Idaho water quality standards revision for toxics criteria to protect human health. The purpose of today's letter is to present dates and times when the EPA Regional Administrator, Dennis McLerran, will be available to consult with you on this matter.

On December 16, 2011, the EPA received an email from Mr. Scott Fields, Couer d'Alene Tribe Water Resource Program Manager, requesting a government-to-government consultation on the EPA's upcoming action. On January 14, 2012, we will be meeting with Mr. Scott Fields and Mr. Phil Cernera regarding both the above noted action and the EPA's pending action on the Coeur d'Alene Water Quality Standards. It is our understanding that a decision regarding formal consultation with the Coeur d'Alene Tribe will be made following this meeting. Due to scheduling challenges, we would request that a government-to-government meeting be scheduled at this time and cancelled if found not to be necessary after the January 14, 2012, meeting.

As you may have heard from your staff, subsequent to our letter of November 22, 2011, the EPA held two informational conference calls with interested Tribes. Your staff participated in these calls which were held on December 7 and December 21, 2011. During the conference calls, we explained the schedule under which the EPA must make this Clean Water Act decision, which must be done no later than March 2, 2012. Consequently, we apprised your staff that we would need to conduct and conclude consultations by January 2012. We informed your staff that we would work to schedule consultation meetings with Dennis McLerran and interested tribal governments.

As of January 4, 2012, six tribes have requested consultation with the EPA on EPA's upcoming decision on Idaho water quality standards revision for toxics criteria to protect human health. To accommodate those requests in the month of January, we have carved out two days for tribal consultation with Dennis McLerran and tribal governments. The first date is January 18, 2012, in Spokane, Washington, between the hours of 11:00 am and 3:00 pm at a location to be determined. The second date is January 20, 2012, in Boise, Idaho, between the hours of 9:00 am and 2:00 pm at the EPA Boise office on 1435 North Orchard St., Boise, Idaho.

To assist in the scheduling we have identified one hour time frames that Tribes could choose to meet with our Regional Administrator, Dennis McLerran. If tribal governments are interested in meeting together as a group for the government-to-government consultation, we are open to conducting tribal consultations with more than one tribe. Please let us know if you are interested in a joint consultation meeting.

In Spokane on January 18, we have four 1 hour time frames that Tribes can select:

1. 11:00 am to 11:50 am;
2. 12:00 noon to 12:50 pm;
3. 1:00 pm to 1:50 pm; and
4. 2:00 pm to 2:50 pm

In Boise on January 20, we have four one hour time frames Tribes can select:

1. 9:00 am to 9:50 am;
2. 10:00 am to 10:50 am;
3. 11:00 am to 11:50 am; and
4. 1:00 pm to 1:50 pm

Please select the preferred location (Spokane or Boise) for the government-to-government consultation and your preferred time frame and inform Mary Lou Soscia of my staff. She will be coordinating the consultation logistics and she can be reached at (503)326-5873 or [soscia.marylou@epa.gov](mailto:soscia.marylou@epa.gov). Please let her know of your preference by no later than January 11, 2012.

Sincerely,



Michael A. Bussell, Director  
Office of Water and Watersheds

cc: Mr. Scott Fields, Water Resource Program Manager  
Couer d'Alene Tribe

Mr. D. R. Michel, Executive Director  
Upper Columbia River Tribes